

IN RE: PETITION FOR ZONING VARIANCE
N/S Fifth Avenue, 177' W of
the c/l of Snyder Avenue
(7004 Fifth Avenue)
12th Election District
7th Councilmanic District
Leonard Martin, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet for both for a proposed addition in accordance with Petitioner's Exhibit 1.
The Petitioners, by Leonard Martin, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 7004 Fifth Avenue consists of .16 acres zoned D.R. 5.5 and is improved with a single family dwelling which has been the Petitioners' residence for the past 8 years. Petitioners are desirous of constructing an addition to the rear of the existing dwelling to relocate the kitchen and dining room areas currently in the basement to the ground level. Testimony indicated that due to the layout of the dwelling and the size of the lot the proposed location for the addition is the most practical site but requires the requested variances. Petitioners testified they have spoken to their neighbors who have no objections to their plans. Further testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of September, 1990 that the Petition for Zoning Variance to permit side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet for both for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall remove the kitchen facilities in the basement within sixty (60) days of completion of the new kitchen facilities in the proposed addition.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner

- 2 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

September 11, 1990



Mr. & Mrs. Leonard Martin, Jr.
7004 Fifth Avenue
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
N/S Fifth Avenue, 177' W of the c/l of Snyder Lane
(7004 Fifth Avenue)
12th Election District - 7th Councilmanic District
Leonard Martin, Jr., et ux - Petitioners
Case No. 91-15-A

Dear Mr. & Mrs. Martin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

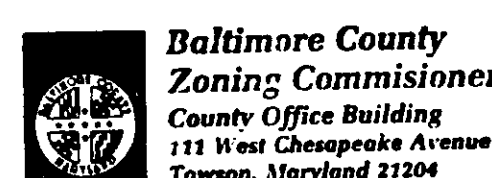
AMN:bjs

cc: People's Counsel

File

ZONING DESCRIPTION
Beginning on the north side of Fifth Avenue 50 feet wide, at the distance of 177 feet west of the centerline of Snyder Avenue. Being Lots 42 and 43, Block E, in the subdivision of Fairlawn. Book No. 6 Folio 100. Also known as 7004 Fifth Avenue in the 12th Election District.

91-15-A



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150
Number

receipt
N. 2684

Date: 9/17/90
PUBLIC HEARING FEES
LAST NAME OF OWNER: MARTIN

B 051*****35004 \$074F
Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 12th
Posted for: Variance
Petitioner: Leonard Martin, Jr. et ux
Location of property: N/S Fifth Ave, 177' W of Snyder Ave
7004 Fifth Ave
Location of signs: Facing Fifth Ave, across 20' E of the alley
on property of Petitioner
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein to receive testimony and evidence in support of or in opposition to the proposed variance. The hearing will be held on Tuesday, September 11, 1990 at 9:30 a.m. at the County Office Building, 111 West Chesapeake Avenue, Townson, Maryland 21204. The subject property is located at N/S Fifth Avenue, 177' W of Snyder Avenue, 7004 Fifth Avenue, 12th Election District, 7th Councilmanic District. The proposed variance is to permit side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet for both for a proposed addition. The hearing will be held in the County Office Building, 111 West Chesapeake Avenue, Townson, Maryland 21204. The subject property is located at N/S Fifth Avenue, 177' W of Snyder Avenue, 7004 Fifth Avenue, 12th Election District, 7th Councilmanic District. The proposed variance is to permit side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet for both for a proposed addition.

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of Balto. Co., Zoning Office - Notice of Hearing P.O. #0106244, Reg. #M44294 - 78 lines \$39.00.

was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 10th day of August 1990; that is to say, the same was inserted in the issues of August 9, 1990

Kimbel Publication, Inc.

per Publisher.

By: [Signature]

CERTIFICATE OF PUBLICATION

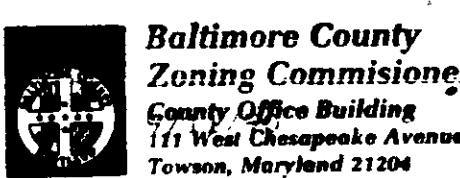
TOWSON, MD., 8/13, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 8/8, 1990

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

P.O. 106245
\$42.70



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

PUBLIC HEARING FEES

Date: 080 - POSTING SIGNS / ADVERTISING 1 X \$106.70
LAST NAME OF OWNER: MARTIN

TOTAL: \$106.70

receipt
No 3375

044040071N1CHRC
BA C00746M09-11-90 \$106.70

Please make checks payable to: Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-15-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY

Additional living space is needed and property width only allows for a 3 foot setback in lieu of the 10 foot setback required on both sides of the proposed addition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Leonard Martin, Jr.
(Type or Print Name)
Signature: [Signature]
Address: 7004 Fifth Avenue
City and State: Dundalk, Maryland 21222
Attorney for Petitioner: [Signature]
(Type or Print Name)
Address: 7004 Fifth Avenue
City and State: Dundalk, Maryland 21222
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Leonard Martin, Jr.
Address: Same as above
Attorney's Telephone No.: 962-6151 (work)

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day

of 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of September, 1990, at 9:30 o'clock a.m.

ESTIMATED LENGTH OF HEARING: 1/2 hr.
ALL FOR POSTING - NEXT TWO MONTHS (over)
REVIEWED BY: CAM DATE 7/19/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

DATE: 8-30-90

Mr. & Mrs. Leonard Martin, Jr.
7004 Fifth Avenue
Dundalk, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 91-15-A
N/S Fifth Avenue, 177' W c/l Snyder Avenue
7004 Fifth Avenue
12th Election District - 7th Councilmanic
District
Petitioner(s): Leonard Martin, Jr., et ux
HEARING: TUESDAY, SEPTEMBER 11, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$106.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 13, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-15-A
N/S Fifth Avenue, 177' W c/l Snyder Avenue
7004 Fifth Avenue
12th Election District - 7th Councilmanic
Petitioner(s): Leonard Martin, Jr., et ux
HEARING: TUESDAY, SEPTEMBER 11, 1990 at 9:30 a.m.

Variance to allow side yard setbacks of 3 feet and 6 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Martin

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 6, 1990

Mr. & Mrs. Leonard Martin, Jr.
7004 Fifth Avenue
Dundalk, MD 21222

Dennis F. Rasmussen
County Executive

RE: Item No. 435, Case No. 91-15-A
Petitioner: Leonard Martin, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Martin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Leonard Martin, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: June 19, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Leonard Martin, Jr., Item No. 435

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

June 27, 1990

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 27, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LEONARD MARTIN, JR.
Location: #7004 FIFTH AVENUE
Item No.: 435 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JUL 05 1990

